

(Apr. 22, 1908, ch. 149, §4A, as added Pub. L. 103-272, §4(i), July 5, 1994, 108 Stat. 1365.)

§ 55. Contract, rule, regulation, or device exempting from liability; set-off

Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this chapter, shall to that extent be void: *Provided*, That in any action brought against any such common carrier under or by virtue of any of the provisions of this chapter, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

(Apr. 22, 1908, ch. 149, §5, 35 Stat. 66.)

§ 56. Actions; limitation; concurrent jurisdiction of courts

No action shall be maintained under this chapter unless commenced within three years from the day the cause of action accrued.

Under this chapter an action may be brought in a district court of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States under this chapter shall be concurrent with that of the courts of the several States.

(Apr. 22, 1908, ch. 149, §6, 35 Stat. 66; Apr. 5, 1910, ch. 143, §1, 36 Stat. 291; Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167; Aug. 11, 1939, ch. 685, §2, 53 Stat. 1404; June 25, 1948, ch. 646, §18, 62 Stat. 989.)

CODIFICATION

The first par. of this section is from act Apr. 22, 1908. The second par. of this section is from act Apr. 5, 1910.

AMENDMENTS

1948—Act June 25, 1948, struck out provision in last sentence relating to removal of actions.

1939—Act Aug. 11, 1939, changed limitation in first sentence from two to three years.

CHANGE OF NAME

“District court” substituted in text for “circuit court” to conform to act Mar. 3, 1911, which transferred powers and duties of circuit courts to district courts.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

§ 57. Who included in term “common carrier”

The term “common carrier” as used in this chapter shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

(Apr. 22, 1908, ch. 149, §7, 35 Stat. 66.)

§ 58. Duty or liability of common carriers and rights of employees under other acts not impaired

Nothing in this chapter shall be held to limit the duty or liability of common carriers or to

impair the rights of their employees under any other Act or Acts of Congress.

(Apr. 22, 1908, ch. 149, §8, 35 Stat. 66.)

§ 59. Survival of right of action of person injured

Any right of action given by this chapter to a person suffering injury shall survive to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury.

(Apr. 22, 1908, ch. 149, §9, as added Apr. 5, 1910, ch. 143, §2, 36 Stat. 291.)

§ 60. Penalty for suppression of voluntary information incident to accidents; separability

Any contract, rule, regulation, or device whatsoever, the purpose, intent, or effect of which shall be to prevent employees of any common carrier from furnishing voluntarily information to a person in interest as to the facts incident to the injury or death of any employee, shall be void, and whoever, by threat, intimidation, order, rule, contract, regulation, or device whatsoever, shall attempt to prevent any person from furnishing voluntarily such information to a person in interest, or whoever discharges or otherwise disciplines or attempts to discipline any employee for furnishing voluntarily such information to a person in interest, shall, upon conviction thereof, be punished by a fine of not more than \$1,000 or imprisoned for not more than one year, or by both such fine and imprisonment, for each offense: *Provided*, That nothing herein contained shall be construed to void any contract, rule, or regulation with respect to any information contained in the files of the carrier, or other privileged or confidential reports.

If any provision of this chapter is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and the applicability of such provision to other persons and circumstances shall not be affected thereby.

(Apr. 22, 1908, ch. 149, §10, as added Aug. 11, 1939, ch. 685, §3, 53 Stat. 1404.)

CHAPTER 3—HOURS OF SERVICE OF EMPLOYEES

§§ 61 to 64b. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379

Section 61, acts Mar. 4, 1907, ch. 2939, §1, 34 Stat. 1415; Dec. 26, 1969, Pub. L. 91-169, §1, 83 Stat. 463; July 8, 1976, Pub. L. 94-348, §4(c), 90 Stat. 818; Nov. 2, 1978, Pub. L. 95-574, §§5, 6, 92 Stat. 2461; June 22, 1988, Pub. L. 100-342, §16(1), 102 Stat. 634, provided that this chapter applied to any railroad and defined “railroad”, “employee”, “time on duty”, and “designated terminal” for purposes of this chapter. See sections 20102, 21101, and 21103 of Title 49, Transportation.

Section 62, acts Mar. 4, 1907, ch. 2939, §2, 34 Stat. 1416; Oct. 15, 1966, Pub. L. 89-670, §6(e)(2), 80 Stat. 939; Dec. 26, 1969, Pub. L. 91-169, §1, 83 Stat. 463; July 8, 1976, Pub. L. 94-348, §4(a), (b), 90 Stat. 818; June 22, 1988, Pub. L. 100-342, §§16(2), 19(b)(1), 102 Stat. 634, 638, related to limitations on employees' hours of service, determination